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18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 **SAN FRANCISCO DIVISION**

21 JASMINE HUBBARD AND MARVEL
22 MILLS, individually and on behalf of a class
23 of similarly situated individuals,

24 Plaintiffs,

25 vs.

26 WENNER MEDIA LLC, a Delaware limited
27 liability company

28 Defendant.

Case No. 3:11-cv-04648-EMC

**STIPULATION AND [PROPOSED]
ORDER TO CANCEL SETTLEMENT
CONFERENCE**

Judge: Hon. Maria-Elena James

Pursuant to the Magistrate Judge's Order Setting Settlement Conference (Dkt. 54), it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel Mills and Defendant Wenner Media LLC (collectively the "Parties"), by and through their respective counsel of record, as follows:

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1 WHEREAS, Plaintiff filed the Complaint in this case on September 20, 2011 (dkt. 1);

2 WHEREAS, the Parties agreed to participate in a settlement conference with the Hon.

3 Maria-Elena James (dkt. 52);

4 WHEREAS, Magistrate Judge James entered an Order setting a Settlement Conference for

5 May 2, 2012 at 10:00 a.m. (dkt. 54);

6 WHEREAS, on April 18, 2012, the Parties stipulated to reset the Settlement Conference in

7 this case to July 25, 2012 (dkt. 59);

8 WHEREAS, Magistrate Judge James issued an Order resetting the Settlement Conference

9 to July 25, 2012 (dkt. 60);

10 WHEREAS, on July 16, 2012, the Parties stipulated to reset the Settlement Conference in

11 this case to November 13, 2012 (dkt. 61);

12 WHEREAS, Magistrate Judge James issued an Order resetting the Settlement Conference

13 to November 13, 2012 (dkt. 62);

14 WHEREAS, Plaintiff has diligently sought discovery from third-parties that possess

15 information relevant to this lawsuit including third-parties Revenue Enhancement Consultants,

16 Inc., Trifecta Marketing Group, Inc., and T-Mobile USA, Inc.;

17 WHEREAS, based on the information learned from the aforementioned third-party

18 discovery, the Parties are currently conducting settlement discussions and believe that they are

19 making meaningful progress towards resolving their dispute;

20 WHEREAS, the Parties believe that it would not be an efficient use of the Parties' or the

21 Court's time and resources to conduct a settlement conference;

22 IT IS HEREBY STIPULATED AND AGREED by the Parties, through their counsel, that,

23 with the Court's agreement, the settlement conference be cancelled. IT IS SO STIPULATED.

24 DATED this 6th day of November 2012.

25 EDELSON MCGUIRE LLP

DAVIS WRIGHT TREMAINE LLP

26 By: /s/ Sean Reis

By: /s/ Thomas R. Burke

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ORDER

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

IT IS SO ORDERED.

DATED: November ___, 2012

THE HONORABLE MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE

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